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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,752	05/02/2007	Roberto Capitanio	I-0295-US	8705
23361	7590	05/06/2009	EXAMINER	
ABB INC.			FISHMAN, MARINA	
LEGAL DEPARTMENT-4U6			ART UNIT	PAPER NUMBER
29801 EUCLID AVENUE			2832	
WICKLIFFE, OH 44092				
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		05/06/2009	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/582,752	CAPITANIO ET AL.
	<b>Examiner</b> Marina Fishman	<b>Art Unit</b> 2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 02 May 2007.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,11 and 12 is/are rejected.

7) Claim(s) 2 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/0256/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***General status***

1. This is a First Action on the Merits. Claims 1 - 12 are pending in the case and are being examined.

### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Page 2 of the specification lists several references (US 6,483,064, US 5216,214, 5,939,692 and EP 0524088), however, these references are not listed on PTO form 1449 and hence have not been considered.

### ***Specification***

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### ***Arrangement of the Specification***

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A

COMPACT DISC.

- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities:

The specification page 6, line 13, "0,1%" should be changed to -- 0.1% --, and line 14, "0,5%" should be changed to --0.5%--.

Appropriate correction is required.

#### ***Claim Objections***

5. Claims 1 – 12 are objected to because of the following informalities:

Claim 1 "Gas switching device" should be changed to –A gas switching device –;

Claims 2 - 12 "Gas switching device" should be changed to –The gas switching device --.

Claim 9, "0,1%" should be changed to -- 0.1% --, and Claim 10, "0,5%" should be changed to --0.5%--. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

7. Claims 1, 3 – 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gaupp et al. [US 4,445,019].

Regarding Claims 1 Gaupp et al. disclose a gas switching device for high and medium voltage applications, comprising:

- at least a mobile arc contact [5] and a corresponding fixed arc contact [3];
- a nozzle [7 and 8, Figure 1] having a hollow shaped body which is positioned inside the device around the zone where electric arcs form between the arc contacts during switching operations;
- the hollow shaped body having a first portion electrically conductive [16, column 2, line 29];
- a second portion made of electrically insulating material [column 2, lines 8, 44], which surrounds at least partially the first portion, wherein the hollow shaped body is mechanically secured directly onto the mobile arc contact [column 2, lines 14 – 25].

Regarding Claim 3, Gaupp et al. disclose the gas switching device, wherein said second portion has a lower tip part which has a shaped profile so as to act as a puffer cap. Regarding Claim 4, Gaupp et al. disclose the gas switching device, wherein said hollow shaped body [8] is realized in a single body with said first portion incorporated in said second portion. Regarding Claim 5, Gaupp et al. disclose the gas switching device, wherein said first portion is shaped so as to act as an electric shield. Regarding Claim 6, Gaupp et al. disclose the gas switching device, wherein said first portion has a substantially annular shape and is positioned along an

inner circumference path of the hollow shaped body [8]. Regarding Claim 7, Gaupp et al. disclose the gas switching device, wherein said first portion and/or said second portion comprise moldable materials [PTFE, column 2, lines 12-14].

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 8 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaupp et al. [US 4,445,019].

Gaupp et al. disclose the instant claimed invention except for the material for the first portion [Claims 8], volume of filler [Claims 9-11] and the first portion being a metallic piece [Claim 12]. Gaupp et al. [column 2, lines 29 + ] discloses that the conductive ring [16] consists of contact material which is resistant to burning. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use known material, such as insulative material with conductive filler material with volume range between .1% to 40%, or metallic ring, as the selection of a known material based on its suitability for its intended use supported a *prima facie* obviousness determination in *Sinclair & Carroll Co. v. Interchemical Corp.*, 325 U.S. 327, 65 USPQ 297 (1945).

The motivation is to obtain desired level of resistant to burning.

***Allowable Subject Matter***

10. Claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marina Fishman/  
Examiner, Art Unit 2832  
April 27, 2009

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/Elvin G Enad/  
Supervisory Patent Examiner, Art Unit 2832